

**BOARD OF PUBLIC WORKS AND SAFETY
Agenda Request Form**

(Form B-01-2012)

Organizations and individuals are asked to submit a request form and supporting documents to be placed on the agenda. You will be contacted by the City confirming the date of the meeting in which your request will be heard.

Please make sure that your contact information is accurate in case we need to get in touch with you. The Board of Works meets on the 1st and 3rd Monday of each month at 5:00 p.m. in City Hall located at 70 E. Monroe Street.

Date Submitted:	October 1, 2014	Requested Meeting Date:	October 6, 2014
		Confirmed Meeting Date:	
Received by:			
Contact Information: Please provide all requested information in the fields below. (Print or Type)			
On Behalf of Organization or Individual:		Franklin Police Department	
Name:	Tim O'Sullivan	Telephone:	317-736-3670
Title or Position:	Chief of Police		
E-Mail:	tosullivan@franklin.in.gov		
Address:	2801 N Morton Street		
City:	Franklin	State:	IN
		ZIP:	46131
Who will attend the meeting and present the request?			
Name:	Tim O'Sullivan	Telephone:	317-736-3670
Title or Position:	Chief of Police		
E-Mail:	tosullivan@franklin.in.gov		
Please describe the purpose or title of your presentation.			
Updated SOP's 1.7, 1.12, 1.13, 1.14, 1.15, 1.18, 1.22, 1.23, 1.24, 3.5, 3.6, 3.7, 3.9.			
Supporting documents: All supporting documents should be submitted with the request form.			
1. Above listed SOP's.			
2.			
3.			
4.			

FRANKLIN POLICE DEPARTMENT STANDARD OPERATING PROCEDURE NO. 1.12

Subject: FAILURE TO PAY REPORTS		References:
Special Instructions:		No. of pages: -1-
Distribution: All Units	Effective Date:	Reevaluation Date:

1.12.1 PURPOSE

To provide guidelines for the response to failure to pay reports.

1.12.2 POLICY

It is the policy of this department that officers will respond to failure-to-pay for fuel reports only when directed by the Officer-In-Charge. The OIC will make this determination on a case by case basis, depending on the solvability factors present.

1.12.3 PROCEDURES

1. Communication personnel who receive the report of a failure to pay incident, shall ask for the following primary solvability factors:
 - a. Vehicle description
 - b. Suspect description
 - c. Direction of travel
 - d. Time of occurrence
2. If the OIC determines that there is little chance of apprehension because of the time lapse, inadequate descriptors, etc., he/she may cause the dispatcher to provide an incident number to the complainant, and add a short narrative to the incident outlining the actions taken, along with the solvability factors gathered. Responsibility for these incidents shall be assigned to the OIC directing this action, he/she will ensure that the proper entries are made.
3. If definitive identifiers exist, an officer will be dispatched, and the case will be handled as a reported theft. If an apprehension occurs, absent mitigating circumstances, criminal charges should be pursued.

FRANKLIN POLICE DEPARTMENT STANDARD OPERATING PROCEDURE NO. 1.13

Subject: VEHICLE UNLOCKS		References:
Special Instructions:		No. of pages: -2-
Distribution: All Units	Effective Date: December 3, 2012	Reevaluation Date:

1.13.1 PURPOSE

To provide a guideline for assisting citizens with unlocking vehicles.

1.13.2 POLICY

Members of the Franklin Police Department may attempt to open locked motor vehicles by use of a "lock-jock" or other appropriate device under the conditions set forth below.

1.13.3 PROCEDURE

Any requests for the opening of a locked motor vehicle must conform to the following standards:

1. Confirm the owner of the vehicle and run report on vehicle and driver.
2. The operator must be present, and sign a waiver of responsibility for any damage incurred by the officer (See attached). Document in the report if any damage occurs during the unlock process.
3. Owner required to be 18 years or older.
4. The motor vehicle must be of a 1984 model year or older when using lock jock. **The use of an auto wedge kit, long reach tool, can be used for any year vehicle.**
5. The motor vehicle cannot have electric locks, whether operable or not, when using lock jock.
6. The officer should ensure that a license plate check return is included in the call, whether or not entry was actually gained.
7. When feasible, unlocks should be done on the passenger door.
8. The above may only be waived in the case of an emergency, such as a child locked in, fire, etc.
9. Any requests for assistance in unlocking vehicles located outside of the city limits may be done at the Shift Supervisor's discretion.



FRANKLIN POLICE DEPARTMENT
VEHICLE ACCESS AUTHORIZATION



OFFICER'S NAME

P.E. NO.

LOCATION OF UNLOCK

VEHICLE: YEAR MAKE COLOR

I hereby request and authorize the Franklin Police Department to unlock my vehicle, (or the vehicle I am responsible for), which is described above. I also understand that the police department will do so as an accommodation to me, but at my sole risk. Accordingly, I hereby release the Franklin Police Department, it's Officers, and the City of Franklin, from any claims from any damage whatsoever arising from the performance of such work.

* THIS PROCESS MAY CAUSE DAMAGE TO YOUR VEHICLE

(print) LAST NAME FIRST MI

DATE OF BIRTH

SIGNATURE

TIME

NOTES:

FRANKLIN POLICE DEPARTMENT STANDARD OPERATING PROCEDURE NO. 1.14

Subject: JUVENILE OFFENDERS		References:
Special Instructions: 1. Jo. Co. Juv. Det. Guidelines (see attached) 2. Procedural Instructions 11/10/93		No. of pages: -4-
Distribution: All Units	Effective Date:	Reevaluation Date:

1.14.1 PURPOSE

To establish guidelines concerning juvenile offenders.

1.14.2 POLICY

It is the policy of the Franklin Police Department that officers who choose to physically arrest a juvenile will transport that juvenile to the Johnson County Juvenile Detention Center. Those juvenile offenders who are not placed in physical custody must be released to a parent, responsible relative, guardian, responsible adult, or released on their own recognizance, as appropriate. All officers shall follow procedures set forth by the Johnson County Juvenile Probation Department (see attached).

1.14.3 PROCEDURE

- A. If an officer takes a report which alleges criminal activity by a juvenile, and the juvenile is not arrested, the initial officer's report shall not be forwarded to Juvenile Probation unless the reporting officer has (A) performed a complete investigation which establishes illegal behavior by identified juvenile(s), and (B) prepared a probable cause affidavit setting forth the particulars of the case.
- B. Whenever a juvenile has been arrested, a case report documenting all pertinent times, dates, witnesses, parent or guardian information, and facts surrounding the incident must be completed. It will be forwarded to Juvenile Probation the following day by 1000 hours.
- C. Juveniles who are taken to the Juvenile Detention Center will be accepted by that facility on the condition that our department continue attempts to contact the child's parent or guardian until contact is made. Facility staff will not assist this department in making such contact. The arresting officer is completely responsible for the notification of parents or guardians. Dispatchers may be used, when possible, to assist in attempts to contact parents or guardians. All attempts to contact parents or guardians must be documented as to time and date. The Juvenile Detention Center will not accept "hold-overs."
- D. If an officer desires to have a juvenile detained, the officer must first contact juvenile probation. The officer must attempt to contact the juvenile's assigned probation officer, or the probation officer on call if the juvenile is not on probation, or the juvenile's assigned probation officer is unavailable. Anytime a secure detention is made, a probable cause affidavit must accompany the officer's report. The original probable cause affidavit, and a copy of the case report as well as supporting statements, documents, etc., will be forwarded to juvenile probation. In the case of a holiday or weekend, the officer shall leave the probable cause affidavit with the detention center so that a probable cause hearing may be held in a timely manner.
- E. If it is necessary for an officer to take a juvenile that is in custody to the hospital, that officer shall not sign for medical treatment. It is the responsibility of the parent(s), or guardian to

determine if they will sign for the treatment. Officers must contact the parent(s), or guardian to make arrangements with regard to this. The Juvenile Detention Center will not accept a juvenile if medical treatment is needed.

JUVENILE DETENTION CENTER	736-3020
JUVENILE COURT	736-3010
JUVENILE PROBATION	736-3000

- F. See attached Johnson County Juvenile Detention Guidelines for further information.
- G. While it is recommended that juvenile suspects be taken to the Johnson County Juvenile Detention Facility, juveniles who are transported to the Franklin City Police station for the purpose of identification, investigation, interrogation, processing, release to parents or guardians, or while arranging transportation to an appropriate juvenile holding facility or court, will be held in the following manner:
1. The area where the juvenile is to be held will be an unlocked multipurpose area, such as squad room, lobby, interview room, etc.
 2. The juvenile shall not be physically secured to any stationary object while in custody at this department unless it is absolutely necessary for the protection of the juvenile or others from injury, or to prevent damage to property.
 3. A Franklin Police officer must stay with the juvenile at all times while the juvenile is on station. In an extreme emergency, a civilian employee of the Police Department may be used to supervise the juvenile.
- H. While anyone who is a witness to an incident may be asked for a statement, a juvenile who is suspected of committing a crime can only be questioned in the presence of his parent(s) or guardian, and after the juvenile and his parent(s) or guardian have been advised of any pertinent warnings concerning self-incrimination.

PROCEDURAL INSTRUCTIONS FOR HOLDING A JUVENILE
(Johnson County Probation Department)
November 10, 1993

JUVENILE ARREST

If the arresting officer needs direction concerning the release or detention of a juvenile offender, contact should be made to the on-call probation officer. The Probation Officer will not ask questions concerning the status of the juveniles health, any injuries, or evidence of alcohol or drug use, so the officer needs to inform them of any concerns. After the Probation officer makes a final determination, the following guidelines should be followed.

A. RELEASE TO PARENT/GUARDIAN

1. It is the arresting officer's responsibility to contact the parent or guardian of the juvenile.
2. At the time the juvenile is picked up, the parents should be informed that the juvenile arrest report will be forwarded to the Probation Department and a Probation Officer will

contact them concerning reporting for a Preliminary Investigation. Parents **SHOULD NOT** be told to call or report to Probation the next day. The Police Officer **SHOULD NOT** speculate or relay opinions to the parents concerning the future disposition of the case.

3. Police reports and Probable Cause Affidavits are to be prepared and forwarded to Records before the end of the officers tour of duty so Records can forward to Juvenile Probation Office within (24) hours.

B. SECURE DETENTION

1. The Probation Officer should call ahead to inform the Juvenile Detention Centers Intake Officer that the officer will be enroute with a juvenile. If not an immediate detention, call the Probation Officer with a time.
2. Upon arrival, the Youth Care Manager will check with the officer to determine the proper authorization for detention and the status regarding parental contact.
3. It is the responsibility of the Youth Care Manager to follow the Detention Center intake policies in obtaining the needed information from the Police Officer.
4. It is the arresting officer's responsibility to contact the parent/guardian of the juvenile. That responsibility **DOES NOT** end upon delivery of the juvenile to the Detention Center.

- C. Documents **SHOULD NOT** be placed inside the juveniles detention file. The documents may be copied for Detention Center records if necessary, but the originals should always be placed in the Probation Department Box located at Detention Intake.

JOHNSON COUNTY JUVENILE DETENTION GUIDELINES

TAKING INTO CUSTODY

State law provides that a law enforcement officer has authority to take a child into custody when the officer has probable cause to believe the child has committed a delinquent act. (IC 31-37-4).

The child may also be taken into custody by a law enforcement officer acting with a Court order (IC 31-37-4-2).

A pick-up order will be issued only when a petition is already filed. The Juvenile Court does not conduct hearings. To obtain a pick-up order for a juvenile who is on probation, a probable cause needs to be sent to the judge. If an officer completes an investigation, they can call with their probable cause and the juvenile can be ordered in.

RELEASE

Once the child has been taken into custody other than by Court order, the law enforcement officer must release the child, either on the child's own recognizance or to a parent or guardian (after signing an agreement to appear for further proceedings) unless one of the following statutory criteria exists to detain the child:

1. The officer has evidence sufficient to form a reasonable belief that the child is unlikely to appear for further proceedings
2. The child has committed an act that would be a Class A or B felony if committed by an adult
3. Detention is essential to protect the child or the community
4. Parent or guardian is unable or unwilling to take custody of the child
5. The child has a reasonable basis for requesting that he/she not be released

If the law enforcement officer determines detention is appropriate, the officer must contact a juvenile probation/intake officer who will then make an independent determination as to whether detention criteria exist. If the probation/ intake officer agrees, he/she will authorize detention.

Upon arrest of the child, use the least restrictive option appropriate under the circumstances, as follows:

1. Child released on own recognizance or to parent/guardian. Officer must submit report/probable cause affidavit to juvenile probation as soon as possible (preferably next working day). The child and family will be contacted by probation for follow-up.
2. If the child cannot be released due to inability to contact or absence of parent, the officer can contact the Department of Child Services. If a parent /guardian refuses to pick the juvenile up, the officer needs to inform them that DCS will be called and their actions can be viewed as abandonment.
3. If the child has committed a Class A or B felony, or otherwise poses an imminent threat to the community which cannot be dealt with through monitored house arrest, secure detention can be arranged with approval of intake officer.
4. If the child is 16 or older and commits an act that would be considered a crime if committed by an adult, found listed in IC 31-37-4-3 (Enrolled Act, House Bill 1382), the child is treated as an adult and processed at the Johnson County Jail. It is the responsibility of any officer incarcerating a juvenile as an adult to notify the shift OIC, who will be charged with notifying the Chief Administrative Officer of the primary or secondary school pursuant to subsection 6 of IC 31-37-4-3.

The Johnson County Juvenile Detention Center will serve as a processing location for any child arrested in Johnson County if the arresting officer so desires. Arresting agency is responsible for following above procedures (including notification of parent/guardian) and transporting child to the Johnson County Juvenile Detention Center. Once processing is completed, the arresting/transporting officer is free to return to service.

FRANKLIN POLICE DEPARTMENT STANDARD OPERATING PROCEDURE NO. 1.7

Subject: IMPAIRED/DRUGGED DRIVER INVESTIGATIONS		References:
Special Instructions:		No. of pages: -5-
Distribution: All Units	Effective Date: August 6, 2013	Reevaluation Date:

1.7.1 PURPOSE

To establish a good protocol for the handling of all impaired/drugged driver investigations.

1.7.2 POLICY

It is the policy of the Franklin Police Department that whenever possible, based on probable cause, an arrest be initiated whenever members of this department investigate an impaired/drugged driver. A minimum of two officers should be present during the investigation.

1.7.3 PROCEDURE

When an officer conducts a traffic stop and suspects, or comes to suspect, that the driver may be impaired/drugged that officer shall notify dispatch and have a second unit respond. Upon the arrival of the second unit the driver may be asked to exit the vehicle so that field sobriety can be performed.

Should the suspect vehicle already be stopped when the officer arrives it is the officer's responsibility to establish who was driving and when. For example: An officer discovers a vehicle that has driven off the roadway with a subject outside the vehicle. The officer needs to ask that person if they were driving and how long it has been since they ran off the roadway. This is necessary to show that the driver was impaired while driving. In the event of an O.V.W.I. coupled with an accident, officers should observe for injury patterns consistent with being the operator of the vehicle.

Field sobriety tests shall be performed by only those officers certified in the Standard Field Sobriety Tests, hereupon S.F.S.T.'s. The S.F.S.T.'s shall be performed on all suspected drivers unless circumstances exist which would invalidate the tests such as a medical condition or inclement weather. The officer performing the tests shall complete a log (see attached) which records the results. This log must be completed even if it is determined that the subject is not impaired. The officer will be required to make a copy of the log and turn it into the training officer, designated by the administration, for safekeeping. A second copy shall be included with the arrest packet for the prosecutor. The original shall be kept by the officer and be available for court purposes. A vehicle equipped with an onboard camera system should be utilized to record the tests whenever possible.

If, upon completion of the S.F.S.T.'s, the officer has probable cause to believe that the driver is impaired/drugged he/she shall read the driver the Indiana Implied Consent. The consent shall be read directly from a card provided by the Johnson County Prosecutor's Office, the Franklin Police Department or the Indiana Law Enforcement Academy.

Should the driver agree to a chemical test, and the officer chooses breath, the driver shall be transported to the Johnson County Law Enforcement Center. Upon arrival, the driver's mouth will be checked for any foreign objects and the time noted on the DataMaster. After waiting a minimum of twenty (20) minutes the test may be performed by a certified breath test operator.

If the driver refuses the chemical test a search warrant for a blood draw can be obtained. If the charge is a Misdemeanor the warrant is optional. The officer may charge the suspect with a refusal or seek a warrant. If the charge will be a Felony a search warrant shall be obtained. The procedure for the blood draw is listed below:

1. Completed the O.V.W.I. probable cause affidavit and search warrant.
2. Contact the prosecutor on call. After verifying your probable cause they will conference you with the on call judge.
3. Read the probable cause affidavit to the judge. If the judge finds probable cause he/she will tell you to affix their name to the warrant.
4. Respond to the Johnson Memorial Hospital lab for a blood draw. Request the blood be drawn using one of the prescribed kits. Make sure the chain of custody form in the kit is used. Everyone that handles the sample must be on the chain of custody form. The original form shall be enclosed in the toxicology kit after making a copy for JMH and the officer's file. All other forms will be provided by JMH and officers are encouraged to make copies for their files. Once the warrant is issued the suspect has no right to refuse the blood draw. **Officers are required to complete a search warrant return to the issuing court.**
5. If blood is collected, the collecting officer will leave a message for the Evidence Technician either by department email or department office phone voicemail. Place the sample in the refrigerator located in the supervisor's closet. A property voucher is required.

FRANKLIN POLICE DEPARTMENT DWI OBSERVATION NOTES

Case Number: _____ Officer: _____ Unit#: _____
Date and Time of stop: _____ Accident: NONE/ PD/ PI/ F
Initial reason for stop: _____
Location of stop: _____

Last Name: _____ First Name: _____ Middle _____
Address: _____
City: _____ State: _____ Zip Code: _____
OLN: _____ DOB: ____/____/____ Sex: _____
SSN: ____/____/____ HGT: _____ WGT: _____
Vehicle Make and Model: _____ Year: _____
License: _____ State: _____ Year: _____ Color: _____

Standardized Field Sobriety Tests

Refused standardized field sobriety tests: YES / NO Time (if yes): _____ hrs

Gaze Nystagmus (6 clues total, 4 clues is a failure)

Contacts: No or Soft Eyeglasses Off: N/A or Yes Equal Tracking: Yes or No Pupils Equal: Yes or No
Exhibited Lack of Smooth Pursuit in Left Eye..... Yes or No
Exhibited Lack of Smooth Pursuit in Right Eye..... Yes or No
Distinct and Sustained Nystagmus at Maximum Deviation in Left Eye..... Yes or No
Distinct and Sustained Nystagmus at Maximum Deviation in Right Eye..... Yes or No
Onset of Nystagmus Prior to 45 Degree Angle in Left Eye..... Yes or No
Onset of Nystagmus Prior to 45 Degree Angle in Right Eye..... Yes or No
Total Number of Clues: _____ Passed or Failed Test Stopped for Safety: _____

Nine Step Walk and Turn (8 clues total, 2 clues is a failure)

Lost Balance During the Instruction Phase..... Yes or No Number of Times: _____
Started Walking too Soon..... Yes or No Number of Times: _____
Stopped Walking on Steps..... 1 2 3 4 5 6 7 8 9 out & 1 2 3 4 5 6 7 8 9 in
Missed Heel to Toe on Steps..... 1 2 3 4 5 6 7 8 9 out & 1 2 3 4 5 6 7 8 9 in
Raised Arms (6"+) on Steps..... 1 2 3 4 5 6 7 8 9 out & 1 2 3 4 5 6 7 8 9 in
Stepped Off the Line on Steps..... 1 2 3 4 5 6 7 8 9 out & 1 2 3 4 5 6 7 8 9 in
Turned Improperly: Yes or No Describe: _____
Took Wrong Number of Steps Out: Yes or No Total Number Taken: _____
Took Wrong Number of Steps In: Yes or No Total Number Taken: _____
Total Number of Clues: _____ Passed or Failed Test Stopped for Safety: _____

One-Leg Stand (4 Clues total, 2 clues is a failure)

Swayed During Test: Yes or No Describe: _____
Put Foot Down on Their Count #'s: _____
Hopped on Their Count #'s: _____
Raised Arms from Side (6"+) on Their Count #'s: _____
Total Number of Clues: _____ Passed or Failed Test Stopped for Safety: _____

Preliminary Breath Test Result: _____ Time: _____ hrs
Read Implied Consent: Yes Time: _____ hrs
Certified Breath Test Result: _____ (Start Obsv. _____ hrs) Time: _____ hrs
Refused Certified Test: Yes Time: _____ hrs

Approved Method For The Administration Of A Breath Test Using The
BAC DATAMASTER

- () 1. The person to be tested must have had nothing to eat or drink, must not have put any foreign substances in his or her mouth or respiratory tract, and must not smoke within twenty (20) minutes prior to the time a breath sample is taken.
- () 2. The green LED on the instrument display must be lighted.
- () 3. Depress the run button, enter the password, and insert the EVIDENCE TICKET.
- () 4. Follow the displayed request for information, and enter by the keyboard.
- () 5. When the PLEASE BLOW appears, place a new mouthpiece in the breath tube, subject must deliver a breath sample.
- () 6. When the printer stops, remove the EVIDENCE TICKET from the instrument and check the EVIDENCE TICKET for the numerical alcohol SUBJECT SAMPLE, and correct date and time.
- () 7. If the EVIDENCE TICKET displays one of the following messages the test is not valid, proceed as instructed.

If "INTERFERENT" is printed on the EVIDENCE TICKET, return to step 1 and perform a second breath test. If "INTERFERENT" is printed on the second breath test, obtain an alternate chemical test for ethanol or perform the test on another evidentiary breath test instrument.

If "SUBJECT SAMPLE INVALID" is printed on the EVIDENCE TICKET, return to step 1 and perform a second breath test. If "SUBJECT SAMPLE INVALID" is printed on the EVIDENCE TICKET of the second breath test, obtain an alternate chemical test for ethanol or perform the breath test on another evidentiary breath test instrument.

If "RADIO INTERFERENCE" is printed on the EVIDENCE TICKET, locate and remove the source of RFI and return to step 2 and perform a second breath test. If "RADIO INTERFERENCE" is printed on the EVIDENCE TICKET of the second breath test, obtain an alternate chemical test for ethanol or perform the breath test on another evidentiary breath test instrument.

If "SUBJECT SAMPLE, INCOMPLETE" is printed on the EVIDENCE TICKET, return to step 2 and perform a second breath test. If "SUBJECT SAMPLE, INCOMPLETE" is printed on the EVIDENCE TICKET of the second breath test, obtain an alternate chemical test for ethanol or perform the breath test on another evidentiary breath test instrument. However, if the message was caused by the lack of cooperation by the subject, the breath test operator should record that the test was REFUSED.

NAME OF SUBJECT _____ DATE ____ / ____ / ____

NAME OF OPERATOR _____ DEPARTMENT _____

CONTROL # _____ VIDEO TAPE # _____

(Revised 5/24/2000)

THE OPERATING ELEMENT IN OVWI

Sometimes there has been confusion about the meaning of “operating” a vehicle for purposes of the OVWI laws. The following should answer most questions on the topic.

There is no statutory definition of “operate.” The statutory definition of “operator” is a person who “drives or is in actual physical control of a motor vehicle upon a highway.” I.C. 9-13-2-118(a). However, the Indiana Court of Appeals has held that OVWI or BAC offenses may occur on private property as well as public because of the State’s “strong interest in protecting citizens from intoxicated drivers.” *Chilcutt v. State*, 544 N.E. 2d 856 (Ind.App. 1989). See also, *Huey v. State*, 503 N.E. 2d 623 (Ind.App. 1987).

Several cases recently decided by the Court of Appeals significantly affect the definition of “operating” for the purposes of a driver found in a parked, running vehicle. The following is a summary of the law based on those case rulings.

In order to prove the element of “operating” when an intoxicated person is found behind the wheel of a motionless vehicle whose engine is running, the State must show by direct or circumstantial evidence that the defendant moved the vehicle or intended to move the vehicle before having been apprehended. *Mordacq v. State*, 585 N.E. 2d 22 (Ind.App. 1992); *Corl v. State*, 544 N.E. 2d 211 (Ind.App. 1989); *Hiegel v. State*, 538 N.E. 2d 265 (Ind.App. 1989).

For example, where evidence indicates that an intoxicated person found sleeping in a running vehicle merely started the vehicle to keep warm after having left a nearby tavern, he has not

“operated” his vehicle for purposes of the OVWI or BAC statutes. See *Corl* and *Hiegel, supra*. However, the State can circumstantially prove recent operation or intent to operate where an intoxicated person is found asleep behind the wheel of a vehicle parked with a running engine in the drive-through lane of a restaurant. *McInchak v. State*, 560 N.E. 2d 546 (Ind.App. 1990). The same is true when an intoxicated driver is found behind the wheel of a vehicle with engine running: on the median strip of a four-lane highway, *Bowlin v. State*, 330 N.E. 2d 353 (Ind.App. 1975); stopped in lanes of traffic or county roads, asleep, *Rose v. State*, 345 N.E. 2d 257 (Ind.App. 1976) and *Traxler v. State*, 538 N.E. 2d 268 (Ind.App. 1989); or stuck in a snow bank, *Garland v. State*, 452 N.E. 2d 1021 (Ind.App. 1983).

In *Taylor v. State*, 560 N.E. 2d 100 (Ind.App. 1990), the Court of Appeals found that recent operation had been proven where an intoxicated person was found behind the wheel of a vehicle that was not even running. Evidence showed that the defendant’s vehicle was “rear-ending” a parked car with the intoxicated defendant asleep behind the wheel. His keys were between his legs and the engine, lights and radio were off. The Court of Appeals found that the evidence was sufficient to support the inference that the vehicle was recently operated by the defendant/driver.

If you have more detailed questions on this subject matter, please feel free to contact the Prosecutor’s Office at 736-3750.

FRANKLIN POLICE DEPARTMENT STANDARD OPERATING PROCEDURE NO. 1.15

Subject: BOMB THREATS		References:
Special Instructions:		No. of pages: -3-
Distribution: All Units	Effective Date:	Reevaluation Date:

1.15.1 PURPOSE

To establish a procedure for safe and effective handling of bomb threat incidents.

1.15.2 POLICY

It shall be the policy of the Franklin Police Department that all reports of bomb threats shall be considered real threats until proven otherwise. Officers are directed to act with due regard for the safety of all persons involved.

1.15.3 PROCEDURES

A. DISPATCH PERSONNEL

Upon receiving a report of a bomb threat, the dispatcher shall obtain as much information as possible concerning the threat. Such information shall include, but not be limited to, the following:

1. Person reporting
2. Location threat received
3. Possible location of devices
4. Determine if the threat included a possible detonation time
5. Who, what, where, when, why, how

Should the reporter only know that a threat has been received, with no indication of possible time of detonation, the dispatchers, at the direction of the OIC, shall advise the caller that it is the policy of this Department to recommend immediate evacuation to a safe distance from the threat, or a minimum of 500 yards.

Dispatch shall also ascertain adjacent persons or property that could be in danger in the event of an explosion.

If an immediate evacuation decision is made by authorities where the threat is received, attempt to determine where the person(s) are going to meet with officers.

If a decision is made not to evacuate, dispatch should attempt to maintain telephone contact with the individual reporting, until an officer is in the area, as the officer may require the reporter to meet him away from the premises.

Dispatch shall then advise the senior uniform officer working of the call. Additionally, dispatch shall advise the senior officer on duty of the nature of the call.

B. UNIFORM RESPONSE

The senior uniform officer on duty, having received a complaint of a bomb threat, shall respond to the general location of the threat. Based on the information provided to the dispatcher by the complainant, the officer shall decide if he is to enter the premises or request the complainant to meet him outside in a safe location.

The senior officer shall also, upon his arrival, designate a mobilization point, a safe distance from the threat, ideally visible from the threat area. All support services requested by the scene commander shall report to the mobilization point. Such support services may include, but are not limited to:

1. Fire & Ambulance (will not routinely respond - must be requested by police personnel on the scene)
2. Additional police response
3. EOD teams
4. Utilities

It is recommended that personnel familiar with the premises make a rapid visual search of the premises for objects or devices that are unfamiliar if time permits.

If a suspicious article is not located, a decision to evacuate must be made by those responsible for the persons and property present. It is the policy of this Department to recommend evacuation for a safe time period.

If a time of detonation has been received, we recommend evacuation for a period of forty-five (45) minutes before and after the time specified. The decision to evacuate must be made by the authorities where the threat is received.

It is suggested that the senior uniform officer present request scene management through the office of the Chief of Police or his available representative through the Chain of Command.

C. FIRE COMMAND

The Franklin Fire Department will not be routinely dispatched to or respond to bomb threats. They will respond to a mobilization point on the request of the senior officer on the scene. Considerations for the request of fire assistance should include threat analysis, additional hazards present such as chemicals, combustibles, etc.

D. ADDITIONAL HAZARDS

If, at any point during operations to assist complainants in bomb threat situations, the officer(s) perceive any actions by those present to constitute a danger to himself or others, the officer is directed to request that those offending persons comply with his requests or the police assistance shall be terminated and police personnel removed to a safe location.

E. RADIO COMMUNICATIONS

Two-way radio communications will not be utilized within the immediate proximity of the premises receiving the threat. It is recommended that officers responding directly to the threat premises shut off both mobile and hand-held radio transmission devices, to include radar devices mounted or present in police vehicles, cellular telephones, etc., 30 seconds prior to their arrival. The mobilization point should be a safe enough distance away from the threat premises (1000 feet or more) to allow for radio communications. Communications from the senior officer present at the threat scene to those at the mobilization point should be made with hand signals, to include a one-arm summoning motion to request personnel, or a two-hands crossed arm signal to request fire department response to the mobilization point.